

INSTRUCTIONS FOR FILING SMALL ESTATE AFFIDAVITS

An affidavit of claiming successor can be filed by an heir or devisee of the decedent, or by a creditor of the estate.¹ Forms are available at stationary stores. **THE COURT DOES NOT PROVIDE FORMS.**

1. When you file a Small Estate Affidavit, you are swearing that the information in the affidavit is true. Be sure that you have completed all the tasks in the affidavit before filing.
2. An affidavit can be filed if the fair market value of the estate is \$275,000 or less. Of that amount, no more than \$200,000 can be attributable to real property and no more than \$75,000 can be attributable to personal property.
3. Not less than 30 days after the death of the decedent, one or more the of the claiming successors may file an affidavit with the clerk of the probate court in the county where the decedent died or was domiciled or resided at the time of death or in the county where the property of the decedent was located at the time of death or at the time the affidavit is filed.
4. If the Small Estate has no Will the estate is INTESTATE, and the affidavit must have a certified copy of the death certificate attached to it and all the requirements in the Affidavit of Claiming Successor Intestate Estate must be completed.
5. If there is a Will in the estate, then the estate is TESTATE, and the original Last Will and Testament must be attached to the affidavit along with a certified copy of the death certificate. All of the requirements in the Affidavit of Claiming Successor Testate Estate must be completed.
6. The Affidavit must be filled out correctly and the mailings completed as required, one copy to Adult & Family Services Division and one copy to the Department of Revenue.
7. The filing fee for a Small Estate is \$105.00. Copies are \$.25 cents per page. Certifications are \$5.00.

ADDRESSES FOR SERVICE:

Adult & Family Services Division
Estate Administration Section
417 Public Service Bldg.
Salem, OR 97310

Department of Revenue
457 Revenue Bldg
Salem, OR 97310

¹ORS 114.520(3) If a decedent dies intestate and without heirs, a creditor of an estate who is a claiming successor and who files an affidavit under ORS 114.515 must notate at the top of the affidavit that the affidavit is being filed by a creditor of the estate. If the affidavit contains the notation required by this subsection, the clerk of the probate court may not accept the affidavit for filing unless there is attached to the affidavit written authorization for the filing of the affidavit by the creditor from an estate administrator of the Department of State Lands. The written authorization may be a copy of a memorandum of an interagency agreement between the Department of State Lands and another agency.